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and Emcare, Inc.
6

7 **UNITED STATES DISTRICT COURT**

8 **DISTRICT OF NEVADA**

9 AMY VILELA, an individual; JOZETTE
FOIEREDO, an individual; AMY VILELA, as
10 Special Administrator of the Estate of
SHALYNNE RAMOS,

11 Plaintiffs,

12 vs.

13 VALLEY HEALTH SYSTEM, LLC, d/b/a
CENTENNIAL HILLS HOSPITAL
14 MEDICAL CENTER, a Nevada Limited
Liability Company; UNIVERSAL HEALTH
15 SERVICES OF DELAWARE, INC., a
Delaware corporation; Tanya Netz, PA-C; Jill
16 Mcatee, RN; DOE DEFENDANTS I through
X, inclusive; ROE NURSES I through XX,
17 inclusive; ZOE HOSPITALS or OTHER
MEDICAL FACILITIES I through X; and
18 ROE CORPORATIONS I through X, inclusive.

19 Defendants.

Case No.: 2:16-cv-01503-RFB-CWH

20 **DEFENDANTS TANYA NETZ, PAC AND EMCARE, INC.'S ANSWER TO**
21 **PLAINTIFFS' FIRST AMENDED COMPLAINT**

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1 Defendants Tanya Netz, PAC and Emcare, Inc. (hereinafter “Defendants”) by and
2 through their attorneys of record, the law firm of John H. Cotton & Associates, Ltd., hereby
3 answers Plaintiffs’ First Amended Complaint as follows:

4 **GENERAL ALLEGATIONS**

5 1. In answering Paragraph 1 of Plaintiffs’ Complaint, Defendants are without
6 knowledge or information sufficient to form a belief as to the truth of the allegations contained
7 therein and deny them on that basis.

8 2. In answering Paragraph 2 of Plaintiffs’ Complaint, Defendants are without
9 knowledge or information sufficient to form a belief as to the truth of the allegations contained
10 therein and deny them on that basis.

11 3. In answering Paragraph 3 of Plaintiffs’ Complaint, Defendants are without
12 knowledge or information sufficient to form a belief as to the truth of the allegations contained
13 therein and deny them on that basis.

14 4. In answering Paragraph 4 of Plaintiffs’ Complaint, Defendants are without
15 knowledge or information sufficient to form a belief as to the truth of the allegations contained
16 therein and deny them on that basis.

17 5. In answering Paragraph 5 of Plaintiffs’ Complaint, Defendants are without
18 knowledge or information sufficient to form a belief as to the truth of the allegations contained
19 therein and deny them on that basis.

20 6. In answering Paragraph 6 of Plaintiffs’ Complaint, Defendants are without
21 knowledge or information sufficient to form a belief as to the truth of the allegations contained
22 therein and deny them on that basis.

23 7. In answering Paragraph 7 of Plaintiffs’ Complaint, Defendants are without
24 knowledge or information sufficient to form a belief as to the truth of the allegations contained
25

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1 therein and deny them on that basis. Defendants specifically deny any allegations of negligence
2 or wrongdoing.

3 8. In answering Paragraph 8 of Plaintiffs' Complaint, Defendants are without
4 knowledge or information sufficient to form a belief as to the truth of the allegations contained
5 therein and deny them on that basis. Defendants specifically deny any allegations of negligence
6 or wrongdoing.

7 9. In answering Paragraph 9 of Plaintiffs' Complaint, Defendants are without
8 knowledge or information sufficient to form a belief as to the truth of the allegations contained
9 therein and deny them on that basis. Defendants specifically deny any allegations of negligence
10 or wrongdoing.

11 10. In answering Paragraph 10 of Plaintiffs' Complaint, Defendants are without
12 knowledge or information sufficient to form a belief as to the truth of the allegations contained
13 therein and deny them on that basis. Defendants specifically deny any allegations of negligence
14 or wrongdoing.

15 11. In answering Paragraph 11 of Plaintiffs' Complaint, Defendants are without
16 knowledge or information sufficient to form a belief as to the truth of the allegations contained
17 therein and deny them on that basis. Defendants specifically deny any allegations of negligence
18 or wrongdoing.

19 12. In answering Paragraph 12 of Plaintiffs' Complaint, Defendants are without
20 knowledge or information sufficient to form a belief as to the truth of the allegations contained
21 therein and deny them on that basis. Defendants specifically deny any allegations of negligence
22 or wrongdoing.

23 13. In answering Paragraph 13 of Plaintiffs' Complaint, Defendants are without
24 knowledge or information sufficient to form a belief as to the truth of the allegations contained
25

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1 therein and deny them on that basis. Defendants specifically deny any allegations of negligence
2 or wrongdoing.

3 14. In answering Paragraph 14 of Plaintiffs' Complaint, Defendants are without
4 knowledge or information sufficient to form a belief as to the truth of the allegations contained
5 therein and deny them on that basis. Defendants specifically deny any allegations of negligence
6 or wrongdoing.

7 15. In answering Paragraph 15 of Plaintiffs' Complaint, Defendants are without
8 knowledge or information sufficient to form a belief as to the truth of the allegations contained
9 therein and deny them on that basis. Defendants specifically deny any allegations of negligence
10 or wrongdoing.

11 16. In answering Paragraph 16 of Plaintiffs' Complaint, Defendants are without
12 knowledge or information sufficient to form a belief as to the truth of the allegations contained
13 therein and deny them on that basis. Defendants specifically deny any allegations of negligence
14 or wrongdoing.

15 17. In answering Paragraph 17 of Plaintiffs' Complaint, Defendants are without
16 knowledge or information sufficient to form a belief as to the truth of the allegations contained
17 therein and deny them on that basis. Defendants specifically deny any allegations of negligence
18 or wrongdoing.

19 18. In answering Paragraph 18 of Plaintiffs' Complaint, Defendants are without
20 knowledge or information sufficient to form a belief as to the truth of the allegations contained
21 therein and deny them on that basis.

22 19. In answering Paragraph 19 of Plaintiffs' Complaint, Defendants are without
23 knowledge or information sufficient to form a belief as to the truth of the allegations contained
24 therein and deny them on that basis.

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20. In answering Paragraph 20 of Plaintiffs' Complaint, Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and deny them on that basis.

21. In answering Paragraph 21 of Plaintiffs' Complaint, Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and deny them on that basis. Defendants specifically deny any allegations of negligence or wrongdoing.

22. In answering Paragraph 22 of Plaintiffs' Complaint, Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and deny them on that basis. Defendants specifically deny any allegations of negligence or wrongdoing.

23. In answering Paragraph 23 of Plaintiffs' Complaint, Defendants deny the allegations as they pertain to Tanya Netz PAC. Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained therein and deny them on that basis.

24. In answering Paragraph 24 of Plaintiffs' Complaint, Defendants deny the allegations contained therein.

25. In answering Paragraph 25 of Plaintiffs' Complaint, Defendants deny the allegations contained therein.

26. In answering Paragraph 26 of Plaintiffs' Complaint, Defendants deny the allegations contained therein.

27. In answering Paragraph 27 of Plaintiffs' Complaint, Defendants deny the allegations as they pertain to Tanya Netz PAC. Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained therein and deny them on that basis.

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1 28. In answering Paragraph 28 of Plaintiffs' Complaint, Defendants deny the
2 allegations as they pertain to Defendants. Defendants are without knowledge or information
3 sufficient to form a belief as to the truth of the remaining allegations contained therein and deny
4 them on that basis.

5 29. In answering Paragraph 29 of Plaintiffs' Complaint, Defendants deny the
6 allegations as they pertain to Defendants. Defendants are without knowledge or information
7 sufficient to form a belief as to the truth of the remaining allegations contained therein and deny
8 them on that basis.

9 30. In answering Paragraph 30 of Plaintiffs' Complaint, Defendants deny the
10 allegations as they pertain to Defendants. Defendants are without knowledge or information
11 sufficient to form a belief as to the truth of the remaining allegations contained therein and deny
12 them on that basis.

13 31. In answering Paragraph 31 of Plaintiffs' Complaint, Defendants deny the
14 allegations as they pertain to Defendants. Defendants are without knowledge or information
15 sufficient to form a belief as to the truth of the remaining allegations contained therein and deny
16 them on that basis.

17 32. In answering Paragraph 32 of Plaintiffs' Complaint, Defendants deny the
18 allegations as they pertain to Defendants. Defendants are without knowledge or information
19 sufficient to form a belief as to the truth of the remaining allegations contained therein and deny
20 them on that basis.

21 33. In answering Paragraph 33 of Plaintiffs' Complaint, Defendants deny the
22 allegations as they pertain to Defendants. Defendants are without knowledge or information
23 sufficient to form a belief as to the truth of the remaining allegations contained therein and deny
24 them on that basis.

25

36. In answering Paragraph 36 of Plaintiffs' Complaint, Defendants deny the allegations as they pertain to Defendants. Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained therein and deny them on that basis.

37. In answering Paragraph 37 of Plaintiffs' Complaint, Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and deny them on that basis.

39. In answering Paragraph 39 of Plaintiffs' Complaint, Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and deny them on that basis.

40. In answering Paragraph 40 of Plaintiffs' Complaint, Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and deny them on that basis.

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1 41. In answering Paragraph 41 of Plaintiffs' Complaint, Defendants are without
2 knowledge or information sufficient to form a belief as to the truth of the allegations contained
3 therein and deny them on that basis.

4 42. In answering Paragraph 42 of Plaintiffs' Complaint, Defendants are without
5 knowledge or information sufficient to form a belief as to the truth of the allegations contained
6 therein and deny them on that basis.

7 43. In answering Paragraph 43 of Plaintiffs' Complaint, Defendants admit the
8 allegations contained therein.

9 44. In answering Paragraph 44 of Plaintiffs' Complaint, Defendants admit that the
10 affidavit of Marc Eckstein, M.D. is attached thereto.

11 45. In answering Paragraph 45 of Plaintiffs' Complaint, Defendants admit the
12 allegations contained therein.

13 46. In answering Paragraph 46 of Plaintiffs' Complaint, Defendants are without
14 knowledge or information sufficient to form a belief as to the truth of the allegations contained
15 therein and deny them on that basis.

16 47. In answering Paragraph 47 of Plaintiffs' Complaint, Defendants are without
17 knowledge or information sufficient to form a belief as to the truth of the allegations contained
18 therein and deny them on that basis.

19 48. In answering Paragraph 48 of Plaintiffs' Complaint, Defendants are without
20 knowledge or information sufficient to form a belief as to the truth of the allegations contained
21 therein and deny them on that basis. Defendants specifically deny any allegations of negligence
22 or wrongdoing.

23 49. In answering Paragraph 49 of Plaintiffs' Complaint, Defendants are without
24 knowledge or information sufficient to form a belief as to the truth of the allegations contained
25

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1 therein and deny them on that basis. Defendants specifically deny any allegations of negligence
2 or wrongdoing.

3 50. In answering Paragraph 50 of Plaintiffs' Complaint, Defendants are without
4 knowledge or information sufficient to form a belief as to the truth of the allegations contained
5 therein and deny them on that basis. Defendants specifically deny any allegations of negligence
6 or wrongdoing.

7 51. In answering Paragraph 51 of Plaintiffs' Complaint, Defendants are without
8 knowledge or information sufficient to form a belief as to the truth of the allegations contained
9 therein and deny them on that basis. Defendants specifically deny any allegations of negligence
10 or wrongdoing.

11 52. In answering Paragraph 52 of Plaintiffs' Complaint, Defendants are without
12 knowledge or information sufficient to form a belief as to the truth of the allegations contained
13 therein and deny them on that basis. Defendants specifically deny any allegations of negligence
14 or wrongdoing.

15 **JURISDICTION AND VENUE**

16 53. In answering Paragraph 53 of Plaintiffs' Complaint, Defendants admit that the
17 allegations contained therein.

18 54. In answering Paragraph 54 of Plaintiffs' Complaint, Defendants are without
19 knowledge or information sufficient to form a belief as to the truth of the allegations contained
20 therein and deny them on that basis. The cited United States Code sections speak for themselves.

21 55. In answering Paragraph 56 of Plaintiffs' Complaint, Defendants are without
22 knowledge or information sufficient to form a belief as to the truth of the allegations contained
23 therein and deny them on that basis. The cited United States Code sections speak for themselves.

57. In answering Paragraph 57 of Plaintiffs' Complaint, Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and deny them on that basis.

58. In answering Paragraph 34 of Plaintiffs' Complaint, Defendants deny the allegations contained therein as they pertain to Defendants. Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained therein and deny them on that basis. Defendants specifically deny all allegations of negligence or wrong doing.

60. In answering Paragraph 60 of Plaintiffs' Complaint, Defendants deny the allegations contained therein as they pertain to Defendants. Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained therein and deny them on that basis. Defendants specifically deny all allegations of negligence or wrong doing.

61. In answering Paragraph 61 of Plaintiffs' Complaint, Defendants deny the allegations contained therein as they pertain to Defendants. Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained

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1 therein and deny them on that basis. Defendants specifically deny all allegations of negligence
2 or wrong doing.

3 62. In answering Paragraph 62 of Plaintiffs' Complaint, Defendants deny the
4 allegations contained therein as they pertain to Defendants. Defendants are without knowledge or
5 information sufficient to form a belief as to the truth of the remaining allegations contained
6 therein and deny them on that basis. Defendants specifically deny all allegations of negligence
7 or wrong doing.

8 63. In answering Paragraph 63 of Plaintiffs' Complaint, Defendants deny the
9 allegations contained therein as they pertain to Defendants. Defendants are without knowledge or
10 information sufficient to form a belief as to the truth of the remaining allegations contained
11 therein and deny them on that basis. Defendants specifically deny all allegations of negligence
12 or wrong doing.

13 **FIRST CAUSE OF ACTION**

14 **(EMTALA VIOLATION FOR FAILURE TO SCREEN AND TREAT SHALYNNE**
15 **AS AGAINST ALL DEFENDANTS)**

16 64. In answering Paragraph 64 of Plaintiffs' Complaint, Defendants herein repeat and
17 re-allege their answers to each and every preceding allegation

18 65. In answering Paragraph 65 of Plaintiffs' Complaint, the cited United States Code
19 section speaks for itself and no further response is required.

20 66. In answering Paragraph 66 of Plaintiffs' Complaint, the cited United States Code
21 section speaks for itself and no further response is required.

22 67. In answering Paragraph 67 of Plaintiffs' Complaint, the cited United States Code
23 section speaks for itself and no further response is required.

24 68. In answering Paragraph 68 of Plaintiffs' Complaint, the cited United States Code
25 section speaks for itself and no further response is required.

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69. In answering Paragraph 69 of Plaintiffs' Complaint, Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and deny them on that basis.

70. In answering Paragraph 70 of Plaintiffs' Complaint, Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and deny them on that basis.

71. In answering Paragraph 71 of Plaintiffs' Complaint, Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and deny them on that basis.

72. In answering Paragraph 72 of Plaintiffs' Complaint, Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and deny them on that basis.

73. In answering Paragraph 73 of Plaintiffs' Complaint, Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and deny them on that basis.

74. In answering Paragraph 74 of Plaintiffs' Complaint, Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and deny them on that basis.

75. In answering Paragraph 75 of Plaintiffs' Complaint, Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and deny them on that basis. Defendants specifically deny any allegations of negligence or wrongdoing.

76. In answering Paragraph 76 of Plaintiffs' Complaint, Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained

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1 therein and deny them on that basis. Defendants specifically deny any allegations of negligence
2 or wrongdoing.

3 77. In answering Paragraph 77 of Plaintiffs' Complaint, Defendants are without
4 knowledge or information sufficient to form a belief as to the truth of the allegations contained
5 therein and deny them on that basis. Defendants specifically deny any allegations of negligence
6 or wrongdoing.

7 78. In answering Paragraph 78 of Plaintiffs' Complaint, Defendants are without
8 knowledge or information sufficient to form a belief as to the truth of the allegations contained
9 therein and deny them on that basis. Defendants specifically deny any allegations of negligence
10 or wrongdoing.

11 79. In answering Paragraph 79 of Plaintiffs' Complaint, Defendants are without
12 knowledge or information sufficient to form a belief as to the truth of the allegations contained
13 therein and deny them on that basis. Defendants specifically deny any allegations of negligence
14 or wrongdoing.

15 80. In answering Paragraph 80 of Plaintiffs' Complaint, Defendants are without
16 knowledge or information sufficient to form a belief as to the truth of the allegations contained
17 therein and deny them on that basis. Defendants specifically deny any allegations of negligence
18 or wrongdoing.

19 81. In answering paragraph 81 of Plaintiffs' Complaint, the quoted and cited case law
20 speaks for itself and no further response is required.

21 82. In answering Paragraph 82 of Plaintiffs' Complaint, Defendants deny the
22 allegations contained therein as they pertain to Defendants. Defendants are without knowledge or
23 information sufficient to form a belief as to the truth of the remaining allegations contained
24 therein and deny them on that basis. Defendants specifically deny all allegations of negligence
25 or wrong doing.

83. In answering Paragraph 83 of Plaintiffs' Complaint, Defendants deny the allegations contained therein as they pertain to Defendants. Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained therein and deny them on that basis. Defendants specifically deny all allegations of negligence or wrong doing.

85. In answering Paragraph 85 of Plaintiffs' Complaint, Defendants deny the allegations contained therein as they pertain to Defendants. Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained therein and deny them on that basis. Defendants specifically deny all allegations of negligence or wrong doing.

**(WRONGFUL DEATH OF SHALYNNE RAMOS AS AGAINST ALL
DEFENDANTS)**

87. In answering Paragraph 87 of Plaintiffs' Complaint, Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and deny them on that basis.

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1 information sufficient to form a belief as to the truth of the remaining allegations contained
2 therein and deny them on that basis. Defendants specifically deny all allegations of negligence
3 or wrong doing.

4 89. In answering Paragraph 89 of Plaintiffs' Complaint, Defendants deny the
5 allegations contained therein as they pertain to Defendants. Defendants are without knowledge or
6 information sufficient to form a belief as to the truth of the remaining allegations contained
7 therein and deny them on that basis. Defendants specifically deny all allegations of negligence
8 or wrong doing.

9 90. In answering Paragraph 90 of Plaintiffs' Complaint, Defendants deny the
10 allegations contained therein as they pertain to Defendants. Defendants are without knowledge or
11 information sufficient to form a belief as to the truth of the remaining allegations contained
12 therein and deny them on that basis. Defendants specifically deny all allegations of negligence
13 or wrong doing.

14 91. In answering Paragraph 91 of Plaintiffs' Complaint, Defendants deny the
15 allegations contained therein as they pertain to Defendants. Defendants are without knowledge or
16 information sufficient to form a belief as to the truth of the remaining allegations contained
17 therein and deny them on that basis. Defendants specifically deny all allegations of negligence
18 or wrong doing.

19 92. In answering Paragraph 92 of Plaintiffs' Complaint, Defendants deny the
20 allegations contained therein as they pertain to Defendants. Defendants are without knowledge or
21 information sufficient to form a belief as to the truth of the remaining allegations contained
22 therein and deny them on that basis. Defendants specifically deny all allegations of negligence
23 or wrong doing.

24 93. In answering Paragraph 93 of Plaintiffs' Complaint, Defendants deny the
25 allegations contained therein as they pertain to Defendants. Defendants are without knowledge or

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1 information sufficient to form a belief as to the truth of the remaining allegations contained
2 therein and deny them on that basis. Defendants specifically deny all allegations of negligence
3 or wrong doing.

4 94. In answering Paragraph 94 of Plaintiffs' Complaint, Defendants deny the
5 allegations contained therein as they pertain to Defendants. Defendants are without knowledge or
6 information sufficient to form a belief as to the truth of the remaining allegations contained
7 therein and deny them on that basis. Defendants specifically deny all allegations of negligence
8 or wrong doing.

9 95. In answering Paragraph 95 of Plaintiffs' Complaint, Defendants deny the
10 allegations contained therein as they pertain to Defendants. Defendants are without knowledge or
11 information sufficient to form a belief as to the truth of the remaining allegations contained
12 therein and deny them on that basis. Defendants specifically deny all allegations of negligence
13 or wrong doing.

14 **THIRD CAUSE OF ACTION**

15 **(PROFESSIONAL NEGLIGENCE/MALPRACTICE AS AGAINST ALL**
16 **DEFENDANTS)**

17 96. In answering Paragraph 96 of Plaintiffs' Complaint, Defendants herein repeat and
18 re-allege their answers to each and every preceding allegation

19 97. In answering Paragraph 97 of Plaintiffs' Complaint, Defendants deny the
20 allegations contained therein as they pertain to Defendants. Defendants are without knowledge or
21 information sufficient to form a belief as to the truth of the remaining allegations contained
22 therein and deny them on that basis. Defendants specifically deny all allegations of negligence
23 or wrong doing.

24 98. In answering Paragraph 98 of Plaintiffs' Complaint, Defendants deny the
25 allegations contained therein as they pertain to Defendants. Defendants are without knowledge or

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1 information sufficient to form a belief as to the truth of the remaining allegations contained
2 therein and deny them on that basis. Defendants specifically deny all allegations of negligence
3 or wrong doing.

4 99. In answering Paragraph 99 of Plaintiffs' Complaint, Defendants deny the
5 allegations contained therein as they pertain to Defendants. Defendants are without knowledge or
6 information sufficient to form a belief as to the truth of the remaining allegations contained
7 therein and deny them on that basis. Defendants specifically deny all allegations of negligence
8 or wrong doing.

9 100. In answering Paragraph 100 of Plaintiffs' Complaint, Defendants deny the
10 allegations contained therein as they pertain to Defendants. Defendants are without knowledge or
11 information sufficient to form a belief as to the truth of the remaining allegations contained
12 therein and deny them on that basis. Defendants specifically deny all allegations of negligence
13 or wrong doing.

14 101. In answering Paragraph 101 of Plaintiffs' Complaint, Defendants deny the
15 allegations contained therein as they pertain to Defendants. Defendants are without knowledge or
16 information sufficient to form a belief as to the truth of the remaining allegations contained
17 therein and deny them on that basis. Defendants specifically deny all allegations of negligence
18 or wrong doing.

19 102. In answering Paragraph 102 of Plaintiffs' Complaint, Defendants deny the
20 allegations contained therein as they pertain to Defendants. Defendants are without knowledge or
21 information sufficient to form a belief as to the truth of the remaining allegations contained
22 therein and deny them on that basis. Defendants specifically deny all allegations of negligence
23 or wrong doing.

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FOURTH CAUSE OF ACTION

(NEGLIGENCE AS AGAINST ALL DEFENDANTS)

103. In answering Paragraph 103 of Plaintiffs' Complaint, Defendants herein repeat and re-allege their answers to each and every preceding allegation

104. In answering Paragraph 104 of Plaintiffs' Complaint, Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and deny them on that basis.

105. In answering Paragraph 105 of Plaintiffs' Complaint, Defendants deny the allegations contained therein as they pertain to Defendants. Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained therein and deny them on that basis. Defendants specifically deny all allegations of negligence or wrong doing.

106. In answering Paragraph 106 of Plaintiffs' Complaint, Defendants deny the allegations contained therein as they pertain to Defendants. Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained therein and deny them on that basis. Defendants specifically deny all allegations of negligence or wrong doing.

107. In answering Paragraph 107 of Plaintiffs' Complaint, Defendants deny the allegations contained therein as they pertain to Defendants. Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained therein and deny them on that basis. Defendants specifically deny all allegations of negligence or wrong doing.

108. In answering Paragraph 108 of Plaintiffs' Complaint, Defendants deny the allegations contained therein as they pertain to Defendants. Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained

1 therein and deny them on that basis. Defendants specifically deny all allegations of negligence
2 or wrong doing.

3 **FIFTH CAUSE OF ACTION**

4 **(NEGLIGENT TRAINING/NEGLIGENT SUPERVISION AS AGAINST EACH**
5 **DEFENDANT)**

6 109. In answering Paragraph 109 of Plaintiffs' Complaint, Defendants herein repeat
7 and re-allege their answers to each and every preceding allegation

8 110. In answering Paragraph 110 of Plaintiffs' Complaint, Defendants are without
9 knowledge or information sufficient to form a belief as to the truth of the allegations contained
10 therein and deny them on that basis.

11 111. In answering Paragraph 111 of Plaintiffs' Complaint, Defendants deny the
12 allegations contained therein as they pertain to Defendants. Defendants are without knowledge or
13 information sufficient to form a belief as to the truth of the remaining allegations contained
14 therein and deny them on that basis. Defendants specifically deny all allegations of negligence
15 or wrong doing.

16 112. In answering Paragraph 112 of Plaintiffs' Complaint, Defendants deny the
17 allegations contained therein as they pertain to Defendants. Defendants are without knowledge or
18 information sufficient to form a belief as to the truth of the remaining allegations contained
19 therein and deny them on that basis. Defendants specifically deny all allegations of negligence
20 or wrong doing.

21 113. In answering Paragraph 113 of Plaintiffs' Complaint, Defendants deny the
22 allegations contained therein as they pertain to Defendants. Defendants are without knowledge or
23 information sufficient to form a belief as to the truth of the remaining allegations contained
24 therein and deny them on that basis. Defendants specifically deny all allegations of negligence
25 or wrong doing.

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114. In answering Paragraph 114 of Plaintiffs' Complaint, Defendants deny the allegations contained therein as they pertain to Defendants. Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained therein and deny them on that basis. Defendants specifically deny all allegations of negligence or wrong doing.

115. In answering Paragraph 108 of Plaintiffs' Complaint, Defendants deny the allegations contained therein as they pertain to Defendants. Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained therein and deny them on that basis. Defendants specifically deny all allegations of negligence or wrong doing.

SIXTH CAUSE OF ACTION

**(RESPONDEAT SUPERIOR AGAINST DEFENDANTS CENTENNIAL, VHMC,
ECI AND UHS)**

116. In answering Paragraph 116 of Plaintiffs' Complaint, Defendants herein repeat and re-allege their answers to each and every preceding allegation

117. In answering Paragraph 117 of Plaintiffs' Complaint, Defendants deny the allegations contained therein as they pertain to Defendants. Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained therein and deny them on that basis. Defendants specifically deny all allegations of negligence or wrong doing.

118. In answering Paragraph 118 of Plaintiffs' Complaint, Defendants deny the allegations contained therein as they pertain to Defendants. Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained therein and deny them on that basis. Defendants specifically deny all allegations of negligence or wrong doing.

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119. In answering Paragraph 119 of Plaintiffs' Complaint, Defendants deny the allegations contained therein as they pertain to Defendants. Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained therein and deny them on that basis. Defendants specifically deny all allegations of negligence or wrong doing.

120. In answering Paragraph 120 of Plaintiffs' Complaint, Defendants deny the allegations contained therein as they pertain to Defendants. Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained therein and deny them on that basis. Defendants specifically deny all allegations of negligence or wrong doing.

SEVENTH CAUSE OF ACTION

**(NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS ON JOZETTE
FIGUEREDO AS AGAINST ALL DEFENDANTS)**

121. In answering Paragraph 121 of Plaintiffs' Complaint, Defendants herein repeat and re-allege their answers to each and every preceding allegation

122. In answering Paragraph 122 of Plaintiffs' Complaint, Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and deny them on that basis.

123. In answering Paragraph 123 of Plaintiffs' Complaint, Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and deny them on that basis.

124. In answering Paragraph 124 of Plaintiffs' Complaint, Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and deny them on that basis.

126. In answering Paragraph 126 of Plaintiffs' Complaint, Defendants deny the allegations contained therein as they pertain to Defendants. Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained therein and deny them on that basis. Defendants specifically deny all allegations of negligence or wrong doing.

128. In answering Paragraph 128 of Plaintiffs' Complaint, Defendants deny the allegations contained therein as they pertain to Defendants. Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained therein and deny them on that basis. Defendants specifically deny all allegations of negligence or wrong doing.

**(NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS ON AMY VILELA
AS AGAINST ALL DEFENDANTS)**

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1 130. In answering Paragraph 130 of Plaintiffs' Complaint, Defendants are without
2 knowledge or information sufficient to form a belief as to the truth of the allegations contained
3 therein and deny them on that basis.

4 131. In answering Paragraph 131 of Plaintiffs' Complaint, Defendants are without
5 knowledge or information sufficient to form a belief as to the truth of the allegations contained
6 therein and deny them on that basis.

7 132. In answering Paragraph 132 of Plaintiffs' Complaint, Defendants are without
8 knowledge or information sufficient to form a belief as to the truth of the allegations contained
9 therein and deny them on that basis.

10 133. In answering Paragraph 133 of Plaintiffs' Complaint, Defendants deny the
11 allegations contained therein as they pertain to Defendants. Defendants are without knowledge or
12 information sufficient to form a belief as to the truth of the remaining allegations contained
13 therein and deny them on that basis. Defendants specifically deny all allegations of negligence
14 or wrong doing.

15 134. In answering Paragraph 134 of Plaintiffs' Complaint, Defendants deny the
16 allegations contained therein as they pertain to Defendants. Defendants are without knowledge or
17 information sufficient to form a belief as to the truth of the remaining allegations contained
18 therein and deny them on that basis. Defendants specifically deny all allegations of negligence
19 or wrong doing.

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Las Vegas, Nevada 89117

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

Defendants allege that Plaintiffs' Complaint fails to state a compensable claim for relief as against these Defendants.

SECOND AFFIRMATIVE DEFENSE

In all of the treatment provided and rendered to the Plaintiff by Defendants, the Plaintiff was fully informed of the risks inherent in such medical and mental health procedures and the risks inherent in his own failure to comply with instructions, and did voluntarily assume all risks attendant thereto.

THIRD AFFIRMATIVE DEFENSE

Defendants allege Plaintiffs failed to use ordinary care for the safety of their persons and property, were negligent and careless concerning the matters set forth in this action, and any damages suffered by them proximately resulted therefrom.

FOURTH AFFIRMATIVE DEFENSE

Plaintiffs' causes of action against these Defendants are barred by the applicable statute of limitations of N.R.S. 41A or any other applicable affirmative statute of limitations.

FIFTH AFFIRMATIVE DEFENSE

Defendants allege that Plaintiffs' damages, if any, were caused solely by conditions or illnesses suffered by Plaintiffs prior to any association with Defendants, and that said illnesses or conditions were not the result of any negligence or malpractice, nor are they alleged to be the result of any negligence or malpractice by Defendants.

SIXTH AFFIRMATIVE DEFENSE

Plaintiffs are barred from asserting any claims against these answering Defendants because the alleged damages were the result of the intervening and/or superseding conduct of others.

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SEVENTH AFFIRMATIVE DEFENSE

Some or all of the claims for damages in the complaint are barred because Plaintiffs, although under a duty to do so, failed to mitigate their alleged damages.

EIGHTH AFFIRMATIVE DEFENSE

Defendants have performed and fully discharged all medical and legal obligations to Plaintiffs, including meeting the requisite standard of care to which Plaintiffs were entitled.

NINTH AFFIRMATIVE DEFENSE

The damages, if any, alleged by the Plaintiffs were not the result of any acts or omission, commission, or negligence, but were the results of known risks which were consented to by the Plaintiffs, such risks being inherent in the nature of the care rendered and such risks were assumed by Plaintiffs upon consent to treatment.

TENTH AFFIRMATIVE DEFENSE

Defendants assert that Plaintiffs' injuries, if any, were caused by the acts or inactions of persons over whom Defendants had neither control nor right of control and for whom this answering Defendant is not liable or responsible.

ELEVENTH AFFIRMATIVE DEFENSE

Pursuant to N.R.S. 41A.045, in the event Defendants are found liable, liability shall be several liability for Plaintiffs' economic and non-economic damages only for that portion of the judgment which represents the percentage of negligence attributable to these answering Defendants.

TWELFTH AFFIRMATIVE DEFENSE

These answering Defendants avail themselves to all affirmative defenses as set forth in N.R.S. 41A.021, 41A.031, 41A.035, 41A.045, 41A.071, 41A.100, 42.020, 41.1395 and all applicable subparts.

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THIRTEENTH AFFIRMATIVE DEFENSE

Plaintiffs have failed to join a party pursuant to N.R.C.P. 19 necessary for the just adjudication of the claims at issue in this action.

FOURTEENTH AFFIRMATIVE DEFENSE

These answering Defendants deny each and every allegation of Plaintiffs' Complaint not specifically admitted or otherwise plead to herein.

FIFTEENTH AFFIRMATIVE DEFENSE

Plaintiffs have no standing to assert the claims set forth in their Complaint.

SIXTEENTH AFFIRMATIVE DEFENSE

Any award of punitive damages would be unconstitutional under applicable constitutional protection.

SEVENTEENTH AFFIRMATIVE DEFENSE

Defendants and their employees, if any, at all times met the applicable standard of care.

EIGHTEENTH AFFIRMATIVE DEFENSE

These answering Defendants hereby incorporates by reference those affirmative defenses enumerated in Rule 8 of the Nevada Rules of Civil Procedure as if fully set forth herein. In the event further investigation or discovery reveals the applicability of any such defenses, these answering Defendants reserve the right to seek leave of court to amend this Answer to specifically assert any such defense. Such defenses are herein incorporated by reference for the specific purpose of not waiving any such defense.

NINETEENTH AFFIRMATIVE DEFENSE

Plaintiffs have failed to establish the elements necessary to assert and maintain causes of action under NRS 41.1395 and NRS 41A, Negligence Per Se, against these answering Defendants.

1 **TWENTIETH AFFIRMATIVE DEFENSE**

2 Plaintiffs are comparatively at fault; Plaintiffs' recovery, if any, should be reduced in
3 proportion to Plaintiffs' own fault, or in the event that Plaintiffs' fault exceeds that of these
4 Answering Defendants, Plaintiffs are not entitled to any recovery.

5 **TWENTY FIRST AFFIRMATIVE DEFENSE**

6 Defendants reserve the right to amend this Answer to allege additional affirmative
7 defenses if subsequent investigation warrants.

8 **WHEREFORE**, Defendants, having fully answered Plaintiffs' Complaint, pray for
9 judgment against Plaintiffs as follows:

- 10 a. That Plaintiffs' Complaint and all other claims therein be dismissed with prejudice
11 and that Plaintiffs take nothing thereby;
- 12 b. For an award of Defendants' costs and attorney's fees incurred in the
13 defense of this action and interest on such costs and attorney's fees at the
14 highest rate allowed by law from the entry of final judgment until paid in
15 full; and
- 16 c. For such other and further relief as the Court deems just and proper.

17 **DATED** this 1st day of November 2017

18 **JOHN H. COTTON & ASSOCIATES, LTD.**
19 7900 West Sahara Avenue, Suite 200
20 Las Vegas, Nevada 89117

21 */s/ Todd M. Weiss*

22 **JOHN H. COTTON, ESQ.**
23 **TODD M. WEISS, ESQ.**
24 *Attorneys for Defendants Southwest Medical*
25 *Associates, Inc. and Chirag Vyas, M.D.*

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CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that on the 1st day of November 2017, I served a true and correct copy of the foregoing **DEFENDANTS TANYA NETZ, PAC AND EMCARE, INC.'S ANSWER TO PLAINTIFFS' FIRST AMENDED COMPLAINT** via CMF CM/ECF, pursuant to FRCP5(b)(3)(E) and LR 5-4, to the following:

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d/b/a Centennial Hills Hospital Medical Center and
Jill Mcatee, R.N.*

/s/ Terri Bryson
An Employee of John H. Cotton & Associates

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